

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5431

IN THE MATTER OF:

Served October 14, 1998

Application of CHYNATA AIRPORT)	Case No. AP-98-32
SHUTTLE, INCORPORATED, for a)	
Certificate of Authority --)	
Irregular Route Operations)	

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. Applicant and Chynata Transportation, Inc., are both controlled by Wynslow Reeves. Chynata Transportation operates limousines and sedans and is licensed by the Maryland Public Service Commission as Carrier No. 1960. The application is unopposed.

This case is governed by the Compact, Title II, Article XI, Section 7, regarding applications for certificates of authority, and Article XII, Section 3, regarding applications for approval of common control.

Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

Article XII, Section 3(a)(iii) & (c), authorizes the Commission to approve common control of two or more carriers, through ownership of stock or other means, if the Commission finds the acquisition is consistent with the public interest. The public interest analysis focuses on the fitness of the controlling party, the resulting competitive balance, and the interest of affected employees.¹

Applicant proposes commencing operations with three vans. Applicant's proposed tariff contains per capita fares for transportation to and from Ronald Reagan National and Washington-Dulles International Airports.

Applicant filed a balance sheet as of June 30, 1998, showing assets of \$91,641; liabilities of \$65,756; and equity of \$25,885. Applicant's projected operating statement for the first twelve months

¹ DC Code Ann. § 1-2414 (1992); In re Cavalier Transp. Co., Inc., t/a Tourtime America, Ltd., & Tourtime America Motorcoach, Ltd., No. AP-96-21, Order No. 4926 (Sept. 12, 1996).

of WMATC operations shows WMATC operating income of \$116,810; other operating income of \$77,880; expenses of \$175,497; and net income of \$19,193.

Applicant certifies it has access to, is familiar with, and will comply with the Compact and the Commission's rules and regulations thereunder.

Based on the evidence in this record, the Commission finds that the proposed transportation is consistent with the public interest and that applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

The Commission also finds that common control of applicant and Chynta Transportation is consistent with the public interest for the following reasons. First, our finding of applicant's fitness permits an inference of the acquiring party's fitness.² Second, there should be no adverse effect on competition from the acquiring party's decision to conduct airport shuttle van operations in the Metropolitan District through an affiliate of Chynta Transportation instead of a division.³ Finally, Chynta Transportation will retain its existing employees, and launching the new service through applicant will tend to shield Chynta Transportation's employees from the consequences of any unprofitable shuttle van operations.

Each carrier is admonished to keep its assets, books and operations completely separate from the other's. Sharing of office space will be allowed, but this should not be construed as permission to share revenue vehicles or operating authority.⁴

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 449 shall be issued to Chynta Airport Shuttle, Incorporated, 8041 Queenair Drive, #4, Gaithersburg, MD 20879.

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

3. That applicant is hereby directed to file the following documents within thirty days: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) a vehicle list stating the year, make, model, serial number, fleet number, license plate number (with jurisdiction)

² In re Megaheds, Inc., t/a Megaheds Transp., No. AP-97-24, Order No. 5113 (June 26, 1997).

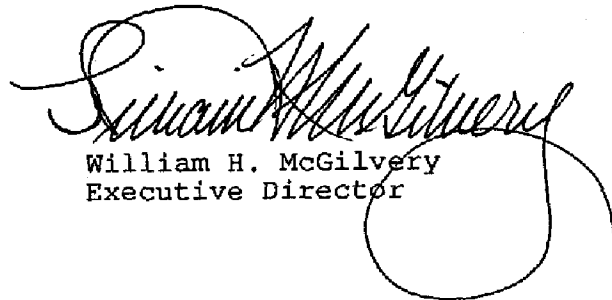
³ Cf., In re Laidlaw Transit Servs., Inc., t/a MetroAccess, AP-98-33, Order No. 5415 (Sept. 25, 1998) (no adverse effect from entering market through subsidiary instead of division).

⁴ Order No. 5113.

and seating capacity of each vehicle to be used in revenue operations;
(d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations;
(e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia;
and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61.

4. That the grant of authority herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of issuance prescribed herein.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER:



William H. McGilvery
Executive Director

